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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re

ACACIA MEDIA TECHNOLOGIES CORPORATION

Case No. 05 CV 01114 JW
MDL No. 1665

NOTICE OF MOTION AND MOTION FOR ENTRY OF JUDGMENT OF NONINFRINGEMENT AND INVALIDITY FOR INDEFINITENESS OF US PATENT NO. 6,144,702 AND CERTIFICATION PURSUANT TO FED. R. CIV. P. 54(B)

DATE: February 24, 2006
TIME: 9:00 A.M.
CTRM: Hon. James Ware

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TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 24, 2006 at 9:00 a.m. in Courtroom 8, at the United States District Court in San Jose, California, or as soon thereafter as it may be heard, Plaintiff Acacia Media Technologies Corporation will move, and hereby does move, for an Order for entry of judgment of noninfringement and invalidity for indefiniteness of U.S. Patent No. 6,144,702 and certification of that judgment pursuant to Fed. R. Civ. P. 54(b).

Specifically, Acacia will seek a final judgment on its claim for infringement of the '702 patent, so that it may immediately appeal this Court's applicable claim constructions to the Federal Circuit Court of Appeals.

This motion will be based upon the accompanying Memorandum of Points and Authorities, the, the accompanying Proposed Order, the record in this case, and any other evidence or argument which the Court may accept.

DATED: January 20, 2006

HENNIGAN, BENNETT & DORMAN LLP

BY: /s/ Alan P. Block
Roderick G. Dorman
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